

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DR. IFEOMA EZEKWO,

Plaintiff,

-against-

OPMC (OFFICE OF PROFESSIONAL
MISCONDUCT) NEW YORK, ET AL.,

Defendants.

21-CV-5426 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants have violated her rights. Plaintiff submitted the complaint without the \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or a request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees. *See* 28 U.S.C. §§ 1914, 1915. The Court grants Plaintiff IFP status for the limited purpose of this order and dismisses the complaint for the following reasons.

Plaintiff has another action pending in this Court. *See Ezekwo v. OPMC*, ECF 1:21-CV-1274. By order dated February 12, 2021, the Court dismissed the amended complaint in that action for failure to state a claim on which relief may be granted and as barred by the doctrines of absolute judicial immunity, Eleventh Amendment immunity, and sovereign immunity, but granted Plaintiff 60 days' leave to replead her claims. ECF 1:21-CV-1274, 5. On June 18, 2021, the day before Plaintiff filed this new action, Plaintiff filed a second amended complaint in No. 21-CV-1274 that is identical to the complaint in this action. As this complaint raises the same claims raised in Plaintiff's second amended complaint, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 21-CV-1274.

CONCLUSION

Plaintiff's complaint is dismissed as duplicative.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal.

See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 22, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge